

**ADOPTED REGULATION OF THE BOARD OF
EXAMINERS FOR SOCIAL WORKERS**

LCB File No. R142-08

Effective February 11, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-5 and 13-24, NRS 641B.160; §6, NRS 641B.160 and 641B.250; §7, NRS 641B.160, 641B.280 and 641B.290; §§8 and 16-20, NRS 641B.160 and 641B.280; §9, NRS 641B.160 and 641B.300; §10, NRS 641B.160 and 641B.270; §11, NRS 641B.160 and 641B.230; §12, NRS 641B.160 and 641B.240.

A REGULATION relating to social workers; revising certain examination requirements for licensing as a social worker; revising provisions relating to the renewal of a social worker license; providing for licensure by endorsement by the Board of Examiners for Social Workers for persons licensed as social workers in other states; revising requirements for internships, continuing education and professional responsibility for social workers and provisions regarding hearings conducted by the Board; and providing other matters properly relating thereto.

Section 1. Chapter 641B of NAC is hereby amended by adding thereto a new section to read as follows:

As used in NRS 641B.030, the Board interprets:

1. “Administration” to mean one or more methods used by those persons with administrative responsibility to plan and achieve organizational goals that will enhance the ability of a client to function physically, socially and economically.

2. “Case work” to mean a method to advocate, plan, provide, evaluate, coordinate and monitor services from a variety of resources on behalf of and in collaboration with a client.

3. “Community organization” to mean a process of intervention to deal with social problems and to enhance the public safety and welfare through planned collective action.

4. *“Consultation” to mean a problem-solving process in which expertise is offered to a client or colleague to assist in learning how to solve problems and make decisions to enhance or restore the ability of a client to function physically, socially and economically. The term includes counseling and may be on a continuous, temporary or ad hoc basis.*

5. *“Group work” to mean an orientation and method of social work intervention in which a small number of persons who share similar problems convene and engage in activities designed to achieve certain objectives.*

6. *“Planning” to mean the process of specifying future objectives for a client, evaluating the means for achieving those objectives and making deliberate choices with or for the client about the appropriate course of action to achieve the objectives.*

7. *“Research” to mean systematic procedures used in seeking facts or principles to assist clients in their ability to enhance or restore their ability to function physically, socially and economically.*

Sec. 2. NAC 641B.017 is hereby amended to read as follows:

641B.017 “Client” means a natural person, couple, family, *group, organization,* governmental agency or political subdivision of this State that receives services from a social worker ~~H~~, *regardless of whether the social worker charges a fee or receives any compensation for the services.*

Sec. 3. NAC 641B.052 is hereby amended to read as follows:

641B.052 “Program of continuing education” means a course or program of education and training that:

1. Is designed to maintain, improve or enhance ~~{a person’s}~~ *the* knowledge and competency *of a licensee* in the practice of social work; and

2. Has been approved by the Board.

Sec. 4. NAC 641B.057 is hereby amended to read as follows:

641B.057 “Psychotherapeutic methods and techniques” means the methods of treatment , *including, without limitation, the use of individual, couples, family and group therapy*, that use a specialized, formal interaction between a licensed clinical social worker and a client in which a therapeutic relationship is established and maintained to:

1. Understand unconscious processes and intrapersonal, interpersonal and psychosocial dynamics; and
2. Diagnose and treat mental, emotional and behavioral disorders, conditions and addictions.

Sec. 5. NAC 641B.090 is hereby amended to read as follows:

641B.090 1. An application for licensure or renewal must be submitted on a form provided by the Board.

2. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he has previously submitted to the Board.

3. By submitting his application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of, or to clarify an ambiguity in, the matters and information stated within his application. If the Board so requests, the applicant must supply to the Board information that will verify the authenticity or clarify any ambiguity in the application.

4. An applicant for initial licensure must submit to the Board to satisfy the requirements of NRS 641B.202:

- (a) Two sets of completed fingerprint cards;

(b) Written authorization for the Board to forward those cards to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories.

5. If deemed necessary, the Board will appoint a member of the Board or a designee to examine an application, take the actions authorized pursuant to subsection 3 and make recommendations for the Board's action.

6. If deemed necessary, the Board will require the personal appearance of the applicant.

7. *For each application, the Board will:*

(a) Approve the application;

(b) Defer action on the application pending the receipt by the Board of additional information concerning the application; or

(c) Deny the application.

8. The Board will waive the required examination for an applicant if:

(a) The applicant is not eligible for ~~reciprocity~~ *endorsement* pursuant to NAC 641B.126;

(b) The applicant has passed an appropriate examination in another state within the 6 months immediately preceding the date on which he submits his application for licensure with the Board; and

(c) The examination that the applicant passed is equivalent to the examination that the applicant would otherwise be required to take pursuant to NAC 641B.105.

Sec. 6. NAC 641B.105 is hereby amended to read as follows:

641B.105 1. An applicant for licensure as a licensed social worker, licensed independent social worker or licensed clinical social worker must pass ~~{the}~~ *a two-part examination consisting of:*

(a) *The* appropriate examination , *as described in subsection 2*, given by the Association of Social Work Boards or another testing administrator that has been approved by the Board ~~{H}~~ ;
and

(b) *An examination given by the Board which tests the knowledge of the applicant of the provisions of this chapter and chapter 641B of NRS and any other provisions of NAC or NRS relevant to the practice of social work.*

2. An applicant for licensure as:

(a) A licensed social worker must ~~{take}~~ *pass* the *Bachelors or* Basic Examination of the Association of Social Work Boards if the applicant holds a baccalaureate degree in social work as described in NRS 641B.220. If the applicant holds a master's degree in social work as described in NRS 641B.220, the applicant must ~~{take}~~ *pass* the *Bachelors or* Basic Examination or *Masters or* Intermediate Examination of the Association of Social Work Boards.

(b) A licensed independent social worker must ~~{take}~~ *pass* the *Advanced Generalist or* Advanced Examination of the Association of Social Work Boards.

(c) A licensed clinical social worker must ~~{take}~~ *pass* the Clinical Examination of the Association of Social Work Boards.

3. Except as otherwise provided in this section, an applicant who is required to pass an examination pursuant to this section must satisfy the Board that he possesses the necessary requirements regarding age, citizenship, character , ~~{and}~~ education *and, if applicable for the relevant license, supervisory experience* before he may take the examination. A student of social

work currently enrolled in his last semester may take the examination before the award of his degree. For the purposes of this subsection, “student of social work” means a person enrolled in an undergraduate or graduate program of study leading to a degree in social work from a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation.

4. In addition to the requirements for offering examinations set forth in NRS 641B.250, examinations will be offered as deemed appropriate by the Board and as scheduled by the Association of Social Work Boards or another testing administrator that has been approved by the Board.

5. A failed examination may be retaken 90 days after the failed examination . ~~[-, and the examination may be retaken only once within the year following the original examination.]~~

Thereafter, only one examination ~~[per year]~~ may be taken ~~[-]~~ **every 6 months.**

Sec. 7. NAC 641B.110 is hereby amended to read as follows:

641B.110 1. Except for a provisional license issued pursuant to NRS 641B.275:

(a) An initial license will not become delinquent less than 1 year after the date of issuance.

(b) ~~[-After]~~ **Except as otherwise provided in subsection 4, after** initial licensure, each license will become delinquent annually on the last day of the month of birth of the licensee and will expire 60 days thereafter.

2. Except as otherwise provided in this subsection, an application for the renewal of a license must be completed on forms supplied by the Board and submitted to the Board on or before the last day of the month of birth of the licensee. An application for the renewal of a provisional license issued pursuant to paragraph (b) of subsection 1 of NRS 641B.275 must be submitted to the Board annually on or before the last day of the 12th month after the month in

which the license was initially issued, until the expiration of the 3-year period of licensure set forth in NAC 641B.112 or until the license is no longer valid pursuant to NAC 641B.112.

3. If an application for renewal and the required fee are not postmarked on or before the last day of the month of birth of the licensee, the license becomes delinquent. A licensee whose license becomes delinquent or expires may not engage in the practice of social work until the license has been renewed or restored, as applicable.

4. *Except as otherwise provided in this subsection, an application for renewal on which action is deferred pending the receipt by the Board of additional information concerning the application will expire if the additional information is not received by the Board within 21 days after the Board requests the additional information. The application will not expire if the Board, upon written request by an applicant, allows additional time as the Board deems reasonable and necessary to allow the applicant to gather the requested information. The license to which such an application pertains will not become delinquent or expire before the Board approves or denies the application.*

5. A person whose license has expired may, within 3 years after the date on which his license expired, regain the right to practice social work at the same level of licensure by applying for restoration pursuant to NAC 641B.111. A person whose license has expired and who, more than 3 years after the date on which it expired, wishes to regain the right to practice social work at the same level of licensure must apply for a license pursuant to NAC 641B.090 to 641B.105, inclusive.

~~5.1~~ 6. If a licensee notifies the Board in writing that the licensee will not renew his license and he allows his license to expire, the Board will not consider the license to be delinquent for the purposes of NRS 641B.290.

Sec. 8. NAC 641B.111 is hereby amended to read as follows:

641B.111 1. An application for restoration of an expired license must be completed on a form supplied by the Board and submitted to the Board within 3 years after the date on which the license expired.

2. In addition to the requirements set forth in NRS 641B.290 and except as otherwise provided in subsection 3, an application for restoration of an expired license must be accompanied by:

(a) Evidence of the completion of all past continuing education hours; and

(b) Evidence that:

(1) The appropriate examination for licensure was passed by the applicant within the *immediately* preceding ~~10~~ 15 years; or

(2) The licensee has maintained an equivalent license from another state in good standing.

3. After receiving an application for restoration of an expired license, the Board may:

(a) Grant an extension of not more than 6 months for the completion of past continuing education hours; and

(b) For good cause, waive the requirements of subsection 2 regarding the examination and continuing education hours.

Sec. 9. NAC 641B.115 is hereby amended to read as follows:

641B.115 An applicant must pay the following fees for licensure:

1. Licensed associate in social work:

(a) Annual renewal of license.....	\$75
(b) Restoration of revoked license.....	150
(c) Restoration of expired license.....	150

(d) Renewal of delinquent license 40

2. Licensed social worker:

(a) Initial application \$40

(b) Initial issuance of license..... 75

(c) Annual renewal of license..... 75

(d) Restoration of revoked license..... 150

(e) Restoration of expired license..... 150

(f) Renewal of delinquent license..... 40

(g) ~~Reciprocal~~ **Endorsement** license without examination 100

(h) Initial issuance of provisional license..... 75

(i) Annual renewal of provisional license 75

3. Licensed independent social worker and licensed clinical social worker:

(a) Initial application \$40

(b) Initial issuance of license..... 100

(c) Annual renewal of license..... 150

(d) Restoration of revoked license..... 150

(e) Restoration of expired license..... 150

(f) Renewal of delinquent license..... 75

(g) ~~Reciprocal~~ **Endorsement** license without examination 100

(h) Initial issuance of provisional license..... 75

~~(i) Annual renewal of provisional license 75~~

➤ If an applicant applies for more than one type of license at one time, he will be required to pay only one application fee.

Sec. 10. NAC 641B.126 is hereby amended to read as follows:

641B.126 1. An applicant *for licensure as a social worker* who holds , *in another state*, at least an equivalent license that is in good standing to engage in the practice of social work as described in this chapter and chapter 641B of NRS ~~[in another state]~~ may be licensed *by endorsement by the Board* to engage in the practice of social work in this State by the Board without taking the examination prescribed by the Board if ~~[the]~~ :

(a) The applicant provides evidence satisfactory to the Board that the applicant has successfully passed the appropriate licensing examination described in subsection 2 of NAC 641B.105 within the *immediately* preceding 15 years ~~[. Proof of the examination must be received by the Board before the Board will approve an applicant for licensure by reciprocity.] ;~~
or

(b) The applicant:

(1) Has successfully passed the appropriate licensing examination described in subsection 2 of NAC 641B.105 or a substantially equivalent examination in the state in which the applicant holds a license; and

(2) Provides evidence satisfactory to the Board that the applicant has held the license for at least 20 years and that at least 50 percent of the practice of the applicant for the immediately preceding 10 years has been in the practice of social work.

2. *An applicant for licensure as a clinical social worker or an independent social worker who holds, in another state, at least an equivalent license that is in good standing to engage in the practice of social work as described in this chapter and chapter 641B of NRS may be licensed by endorsement by the Board if the applicant provides evidence satisfactory to the*

Board that the applicant completed, before July 1, 1990, at least 3,000 hours of postgraduate social work supervised by a licensed mental health practitioner.

3. An applicant for licensure by ~~reciprocity~~ *endorsement* must submit to the Board:
- (a) A written application on a form prescribed by the Board;
 - (b) The applicable fee;
 - (c) Except as otherwise provided in subsection ~~3.1~~ *4*, proof that the license issued by the other state or any other license or credential issued to the applicant by another state:
 - (1) Is currently valid and in good standing; and
 - (2) Has never been suspended, revoked or otherwise restricted for any reason; and
 - (d) Proof that the applicant is of good moral character as it relates to the practice of social work.

~~3.1~~ *4.* If an applicant has had a license or credential that was issued by another state suspended, revoked or otherwise restricted for any reason, the Board will review and consider the specific facts and circumstances surrounding the suspension, revocation or restriction and may issue or decline to issue a license to an applicant based upon its review.

Sec. 11. NAC 641B.140 is hereby amended to read as follows:

641B.140 1. ~~1.~~ *Except as otherwise provided in subsection 2 of NAC 641B.126, an* applicant for licensure as a licensed independent social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate social work. Except as otherwise provided in ~~subsection 2,~~ *subsections 2 and 3*, the required work must be:

- (a) Undertaken in a program that is approved by the Board before the applicant begins the program. The program must include, without limitation:
 - (1) An examination, if deemed necessary by the Board;

- (2) An appropriate setting, as determined by the Board;
 - (3) Supervision of the applicant by a supervisor who has been approved by the Board; and
 - (4) A plan of supervision that has been approved by the Board.
- (b) Completed not earlier than 2 years or later than 3 years after the Board approves the program. For good cause, the Board will grant a specific extension of this period.
- (c) Conducted pursuant to the requirements and standards set forth by the Board. For good cause, the Board will withdraw its approval of a particular program.

2. *Upon application to the Board by an applicant who is currently a licensed social worker or a licensed associate in social work, the Board will approve and accept for licensure supervised postgraduate hours completed in an agency that provides social work services if the applicant:*

(a) Has been continually licensed as a social worker for the immediately preceding 10 years; and

(b) Provides evidence satisfactory to the Board of continuous supervision by a licensed social worker for at least 5 of the immediately preceding 10 years.

3. An applicant who has completed 3,000 hours of supervised, postgraduate social work in another state may submit evidence of his satisfactory completion of that work to the Board for its consideration. The Board will approve that work and accept it for licensure if the Board determines that the experience of the applicant is substantially equivalent to the current standards established by the Board for those applicants who complete their work in this State.

~~13.1~~ 4. The following activities do not qualify as supervised, postgraduate social work:

- (a) Instruction in techniques or procedures through classes, workshops or seminars.
- (b) Orientational programs.

(c) Practice which is not under the supervision of an agency. The Board will consider a person to be under the supervision of an agency if:

(1) Each client who is served by the intern is a client of the agency and that fact is clearly set forth on each contract, release, agreement for financial reimbursement and billing statement which relates to that client;

(2) All records regarding clients belong to the agency and the agency has provided for their confidentiality and safekeeping;

(3) The agency appoints a specific employee of the agency to act as the board-approved supervisor of the intern, if such an employee is available, or otherwise approves a nonemployee to do so;

(4) The appointed supervisor reviews the work of the intern in the manner required for supervisors of interns;

(5) The appointed supervisor is granted complete access to all records of the agency related to the practice of the intern; and

(6) Any compensation for the services of the intern is provided directly by the agency.

(d) Any other activity that the Board determines is not within the scope of the practice of social work.

Sec. 12. NAC 641B.150 is hereby amended to read as follows:

641B.150 1. An applicant for licensure as a licensed clinical social worker must complete an internship consisting of not less than 3,000 hours of supervised, postgraduate clinical social work. Except as otherwise provided in subsection 3, the required work must be:

(a) Undertaken in a program that is approved by the Board before the applicant begins the program. The program must include, without limitation:

- (1) An examination, if deemed necessary by the Board;
 - (2) An appropriate setting, as determined by the Board;
 - (3) Supervision of the applicant by a supervisor who has been approved by the Board; and
 - (4) A plan of supervision that has been approved by the Board.
- (b) Completed not earlier than 2 years or later than 3 years after the Board approves the program. For good cause, the Board will grant a specific extension of this period.
- (c) Conducted pursuant to the requirements and standards set forth by the Board. For good cause, the Board will withdraw its approval of a particular program.
2. At least 2,000 hours of the supervised, postgraduate clinical social work required by subsection 1 must be in the area of psychotherapeutic methods and techniques to persons, families and groups to help in the diagnosis and treatment of mental and emotional conditions. Unless otherwise approved by the Board, an average of 25 hours per week, not to exceed 325 hours in each quarter, of postgraduate hours in the use of psychotherapeutic methods and techniques will be accepted toward satisfying this requirement. The remaining hours required by subsection 1 may be completed in other areas of clinical social work.
3. An applicant who has completed 3,000 hours of supervised, postgraduate clinical social work in another state *within the immediately preceding 10 years* may submit *to the Board for its consideration* evidence of his satisfactory completion of that work ~~to the Board for its consideration.~~ *and documentation that his supervisor was a clinical social worker and was qualified to supervise in that state.* The Board will approve that work and accept it for licensure if the Board determines that the experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board for those applicants who complete their work in this State.

4. The following activities do not qualify as supervised, postgraduate clinical social work:

(a) Instruction in techniques or procedures through classes, workshops or seminars.

(b) Orientational programs.

(c) Role-playing as a substitute for actual social work.

(d) Psychotherapy of the intern himself.

(e) Except as otherwise provided in subsection 5, practice which is not under the supervision of an agency. The Board will consider a person to be under the supervision of an agency if:

(1) Each client who is served by the intern is a client of the agency and that fact is clearly set forth on each contract, release, agreement for financial reimbursement and billing statement which relates to that client;

(2) All records regarding clients belong to the agency and the agency has provided for their confidentiality and safekeeping;

(3) The agency appoints a specific employee of the agency to act as the board-approved supervisor of the intern, if such an employee is available, or otherwise approves a nonemployee to do so;

(4) The appointed supervisor reviews the work of the intern in the manner required for supervisors of interns;

(5) The appointed supervisor is granted complete access to all records of the agency related to the practice of the applicant; and

(6) Any compensation for the services of the intern is provided directly by the agency.

(f) Any other activity that the Board determines is not within the scope of the practice of clinical social work.

5. Any supervised, postgraduate clinical social work completed before January 1, 1990, by an applicant who holds an equivalent license from another state that is in good standing to engage in the practice of clinical social work as described in this chapter and chapter 641B of NRS is not required to be completed under the supervision of an agency if the Board determines that:

(a) There is good cause for waiving the requirement that the practice be under the supervision of an agency; and

(b) The experience of the applicant is substantially equivalent to or exceeds the current standards established by the Board.

Sec. 13. NAC 641B.155 is hereby amended to read as follows:

641B.155 1. To become a supervisor of an intern, a person must:

(a) Be approved by the Board to serve as the supervisor of an intern.

(b) Be a licensed independent social worker or a licensed clinical social worker if supervising an intern who is seeking a license as a licensed independent social worker, or be a licensed clinical social worker if supervising an intern who is seeking a license as a licensed clinical social worker.

(c) Have at least 3 years of experience as a licensed clinical social worker or licensed independent social worker or have equivalent experience acceptable to the Board.

(d) Demonstrate to the Board that his current practice:

(1) If he is supervising an intern who is seeking a license as a licensed independent social worker, consists of not less than 15 hours per month of independent practice.

(2) If he is supervising an intern who is seeking a license as a licensed clinical social worker, consists of not less than 15 hours per month of clinical practice in the area of psychotherapeutic methods and techniques.

➔ The Board may waive the requirements of this paragraph if the Board determines that there is good cause, including, without limitation, practice within the last 2 years which is equivalent to the requirements of this paragraph.

(e) ~~If deemed necessary by the Board, appear before the Board and successfully complete an oral examination.~~

~~—(f)~~ If deemed necessary by the Board, successfully complete a written examination.

~~[(g)]~~ (f) If deemed necessary by the Board, successfully complete any training specified by the Board.

2. A person will not be approved as a supervisor of an intern if he is subject to an order issued by the Board for disciplinary action.

3. A supervisor ~~must~~ **shall** not:

(a) Reside with the intern, have an intimate personal relationship with the intern or be related to the intern by blood or marriage;

(b) Have had the intern as a client;

(c) Have had the intern as a supervisor; or

(d) Supervise more than three interns at one time without prior approval from the Board.

4. The Board will maintain a list of persons who have been approved by the Board to supervise interns and will provide, upon request, a copy of the list to any person who is applying to become an intern.

5. Each agreement pursuant to which a supervisor agrees to supervise an intern and each plan of supervision setting forth the requirements of NAC 641B.160 must be submitted to the Board for its approval. The Board will, when it deems the limitation appropriate, disapprove a proposal for the supervision of a particular intern by a particular supervisor.

6. A supervisor ~~must~~ *shall* keep a record of the internship program which must include, without limitation, the content of meetings and a description of supervisory activities. Such a record must be kept for a minimum of 5 years after the termination of the internship program.

7. The Board will not recognize time spent by an intern:

(a) Under the supervision of a person who has not been approved by the Board to supervise interns; or

(b) In an arrangement covered by an agreement relating to the supervision of the intern which has not been approved by the Board.

Sec. 14. NAC 641B.160 is hereby amended to read as follows:

641B.160 1. *A supervisor of an intern is responsible for the practice of social work by the intern.*

2. A supervisor of an intern shall ensure that:

- (a) The work of the intern is conducted in an appropriate professional setting;
- (b) The work of the intern is consistent with the standards of the profession;
- (c) The intern is assisted with the development of his professional identity;
- (d) The intern has gained the skills required to manage his practice;
- (e) The intern has gained the skills required for continuing competency;
- (f) The intern has gained knowledge of the laws and regulations applicable to the practice of social work;

(g) The intern is familiar with the current literature concerning those areas of social work relevant to his area of practice; and

(h) The intern provides services that are culturally and linguistically appropriate.

~~{2.}~~ **3.** A supervisor of an intern shall:

(a) Meet in person with the intern on an individual basis for at least 1 hour every week, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the intern in his practice;

(b) *Unless waived by the Board for good cause, if the intern practices social work at a site at which the supervisor does not practice social work, visit the site at least once every month and as necessary consult with the on-site supervisor regarding the practice of social work by the intern;*

(c) Prepare and submit to the Board quarterly reports and a final report, unless the Board specifically directs a different schedule or frequency for the reports, on forms provided by the Board, concerning the progress of the intern in his practice; and

~~{(e)}~~ **(d)** Be available to consult with the Board concerning the record, competence in practice, emotional and mental stability or professional and ethical conduct of the intern.

~~{3.}~~ **4.** Not more than 24 hours of the *total* supervision of the intern may be in the form of group supervision.

~~{4.}~~ **5.** A supervisor of an intern shall analyze the performance of an intern through information obtained from:

(a) Observation or participation in the practice of the intern; ~~{and}~~

(b) The notes of the intern ~~{~~

~~—5.}~~ ; *and*

(c) Process recordings prepared by the intern.

6. The Board will, if it deems appropriate, require additional hours of internship and supervision for an intern who fails to demonstrate the degree of competency expected at the end of an internship.

7. The Board will, if it deems it appropriate, withdraw its approval of a person to supervise a particular intern or any intern if the supervisor:

- (a) Fails to supervise an intern adequately;
- (b) Fails to comply with each applicable provision of a statute or regulation;
- (c) Fails to submit acceptable reports as required in paragraph ~~1(b)~~ (c) of subsection ~~12~~ 3

regarding the progress of each intern under his supervision;

(d) *Without good cause or approval by the Board, fails to submit two consecutive reports as required pursuant to paragraph (c) of subsection 3;*

(e) Fails to complete the training required by the Board pursuant to subsection 1 of NAC 641B.155; or

~~1(e)~~ (f) Becomes subject to an order issued by the Board for disciplinary action.

~~16~~ 8. A person whose approval to supervise an intern has been withdrawn by the Board because he is subject to an order issued by the Board for disciplinary action may reapply for approval to supervise an intern after he has satisfactorily completed the requirements of the order.

~~17~~ 9. If the Board withdraws its approval of the person supervising an intern, the intern may apply to the Board for the:

- (a) Assignment of another approved supervisor; and
- (b) Approval of a new internship agreement and plan of supervision.

10. As used in this section, “process recording” means a written record of an interaction with a client.

Sec. 15. NAC 641B.165 is hereby amended to read as follows:

641B.165 A supervisor of an intern may agree to provide or continue the supervision of an intern only if he believes that the intern ~~{will}~~ :

- 1. Will* qualify for licensure pursuant to chapter 641B of NRS ;
- 2. Is achieving the competence necessary to practice in social work or clinical social work;* and ~~{that, if}~~
- 3. If* licensed, ~~{the intern}~~ will uphold the professional and ethical standards of the practice of social work.

Sec. 16. NAC 641B.187 is hereby amended to read as follows:

641B.187 1. Except as otherwise provided in subsections ~~{2 and 3,}~~ *4 and 5*, to renew his license ~~{a}~~ :

(a) A licensee who is a licensed associate in social work or a licensed social worker must complete at least 30 continuing education hours every 2 years, of which ~~{2}~~ :

(1) Two hours must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality or dual relationships within that practice ~~{The}~~ ; and

(2) Unless otherwise approved by the Board, 10 hours must be in the field of practice of the licensee; and

(b) A licensee who is a licensed clinical social worker or licensed independent social worker must complete at least 36 hours of continuing education every 2 years, of which:

(1) Three hours must relate to ethics in the practice of social work, including, without limitation, issues addressing professional boundaries, confidentiality or dual relationships within that practice; and

(2) Unless otherwise approved by the Board, 12 hours must be in the field of practice of the licensee.

2. To fulfill the continuing education requirements of this section, the continuing education hours *for all classes of licensure* must be completed in programs of continuing education approved by the Board that maintain, improve or enhance the knowledge and competency of a licensee in the practice of social work.

~~{2.}~~ 3. *Upon the request of the licensee, the Board may waive the continuing education requirements of this section for a licensee who is at least 70 years of age and is retired from the practice of social work.*

4. The Board may renew the license of a licensee who fails to complete 30 continuing education hours during a 2-year period if it finds good cause to do so.

~~{3.}~~ 5. The Board will renew the license of a licensee during the period in which he is enrolled in a program leading to:

(a) A baccalaureate or master's degree in social work from a college or university that is accredited by or is a candidate for accreditation by the Council on Social Work Education; or

(b) A doctoral degree in social work,

↪ and for ~~{two renewal periods}~~ *one renewal period* after graduation from the program. Before renewing the license, proof of enrollment or graduation within the past 2 years must be submitted to the Board by the licensee.

~~{4.}~~ 6. If the Board renews the license of a licensee pursuant to subsection ~~{2.}~~ 4, it may require the licensee to complete not more than 30 additional continuing education hours during the next 2-year period.

~~{5.}~~ 7. A licensee may not take a program of continuing education which presents the same material he took during the previous 2-year period.

~~{6.}~~ 8. A licensee is subject to disciplinary action if he:

(a) Within 30 days after receiving a request from the Board, fails to provide to the Board information of his participation in a program of continuing education; or

(b) Submits to the Board false or inaccurate information regarding his participation in a program of continuing education.

Sec. 17. NAC 641B.188 is hereby amended to read as follows:

641B.188 1. Except as otherwise provided in subsections ~~{2.}~~ 4 and ~~{3.}~~ 5 of NAC 641B.187, every other application for renewal of a license must be accompanied by an affidavit evidencing the completion of at least 30 continuing education hours during the 2 years immediately preceding the date of the application.

2. The Board will randomly select affidavits to verify the authenticity of the information contained therein.

3. Each licensee shall maintain sufficient documentation which verifies the information set forth in the affidavit for at least 3 years. The inability to provide evidence supporting the information in the affidavit subjects the licensee to disciplinary action.

Sec. 18. NAC 641B.189 is hereby amended to read as follows:

641B.189 1. A program of continuing education that demonstrates the knowledge and competency of a licensee must be approved by the Board. ~~{F.}~~ *Except as otherwise provided in*

this subsection, to obtain the approval of the Board, a continuing education program must be limited in time, be interactive and provide independent verification that the licensee has successfully completed the program. ~~{Such a program of}~~ *A continuing education program that is not limited in time or interactive may be approved by the Board if the program meets specific criteria set forth by the Board. A* continuing education *program* may be in the form of:

- (a) Workshops or conferences, including, without limitation, teleconferences;
- (b) Distance learning courses;
- (c) Home study ~~{}~~ *courses*;
- (d) A self-directed learning program which has been approved by the Board before the licensee begins the program;
- (e) Publication of an article or paper by the licensee in a professional journal or other publication that is approved by the Board;
- (f) ~~{Presentation}~~ *A one-time presentation, not to exceed 15 hours*, of an academic course, in-service training workshop or seminar by the licensee;
- (g) Successful completion of an academic course of instruction at a regionally accredited college or university;
- (h) Attendance by the licensee at a workshop or public hearing conducted by the Board; or
- (i) Any other kind of program or course if the Board has, at the request of the licensee wishing to take the program or course as continuing education, approved the program or course as a program of continuing education.

2. A licensee may apply , *if licensed as a licensed associate in social work or a licensed social worker*, for not more than ~~{7.5}~~ *15* hours of continuing education credit *or, if licensed as a licensed independent social worker or a licensed clinical social worker, for not more than 18*

hours of continuing education credit for distance learning courses, home study *courses* and self-directed learning programs during a 2-year period, except that the Board may approve additional hours of such continuing education if the licensee can demonstrate good cause for the approval of the additional hours.

3. A licensee may apply , *if licensed as a licensed associate in social work or a licensed social worker*, for not more than 2 hours of continuing education credit *or, if licensed as a licensed independent social worker or a licensed clinical social worker, for not more than 4 hours of continuing education credit* relating to ethics for any period in which the licensee serves as a member of a committee or board of review that:

- (a) Considers issues or applies any policy, law or regulation relating to ethics; and
- (b) Is approved by the Board.

4. The following courses and programs will be deemed unacceptable as a program of continuing education:

- (a) An orientation program for new employees.
- (b) An on-the-job training program presented by an agency whose primary purpose is to disseminate information on the policy or procedure of the agency.
- (c) A home study course that includes audio or video tapes which is not interactive, which is not limited by time and for which there is no independent verification of successful completion.
- (d) A program for self-improvement.
- (e) A distance learning course which is not interactive, which is not limited by time and for which there is no independent verification of successful completion.
- (f) A self-directed learning program:

(1) Which is not interactive, which is not limited by time and for which there is no independent verification of successful completion; or

(2) Which covers the same material as a previous program approved for the licensee for self-directed learning or which is not preapproved by the Board.

5. As used in this section, “interactive” means any two-way communication in which each participant in the communication is able to interact in a manner which elicits or may elicit a response from a provider or any other participant in that communication. The term includes, without limitation, any discussion or homework. The term does not include any test that is conducted before or after a program of continuing education.

Sec. 19. NAC 641B.190 is hereby amended to read as follows:

641B.190 1. Before the Board approves a course or program, the Board must be satisfied that the course or program:

(a) Will be taught by a competent instructor as demonstrated by his educational, professional and teaching experience, unless the course or program is proposed by a licensee pursuant to subsection 2 of NAC 641B.192 and does not include the use of an instructor;

(b) Contains current and relevant educational material concerning social work, is applicable to the practice of social work, and will enhance the knowledge and competency of a licensee in the practice of social work;

(c) Is of professional quality;

(d) Is appropriately designed for instructional purposes;

(e) Is supported entirely or partially by evidence that is based on research; and

(f) Includes a written evaluation of the content and presentation of the course or program and its relevance to the practice of social work for each licensee to complete.

2. A course or program presented in the form of lectures, seminars, workshops, academic courses at an institution of higher education, correspondence courses through an accredited college or university which do not lead to a degree, and on-the-job training programs offered by an agency shall be deemed “appropriately designed for instructional purposes,” as that term is used in subsection 1. The provider is responsible for the format and presentation of the courses or programs and may restrict the format in which the material is presented unless otherwise required by the Board.

3. The subject matter of a course or program which addresses one or more of the following areas:

- (a) Theories or concepts of human behavior and the social environment;
 - (b) Social work methods of intervention and delivery of services;
 - (c) Social work research, including, without limitation, the evaluation of programs or practices;
 - (d) Management, administration or social policy;
 - (e) Social work ethics;
 - (f) Services that are culturally and linguistically appropriate; ~~for~~
 - (g) *Social work theories or concepts of addictions in the social environment; or*
 - (h) Other areas directly related to the field of practice of the licensee,
- ➔ shall be deemed to reflect “current and relevant educational material concerning social work” and be “applicable to the practice of social work,” as those terms are used in subsection 1.

Sec. 20. NAC 641B.193 is hereby amended to read as follows:

641B.193 1. If the Board receives a complaint regarding a course or program of continuing education or a provider, the Board will investigate the complaint. The investigation may include, without limitation:

- (a) Requesting a written response from the provider; and
- (b) Reviewing all relevant documents.

2. *If a provider does not submit a response to a request made pursuant to paragraph (a) of subsection 1, the Board may deny approval of any future programs submitted by the provider.*

3. As a result of a complaint regarding a program of continuing education or a provider or on its own motion, the Board will deny or withdraw approval of the course or program if it finds that:

(a) The course or program of continuing education is not in the best interest of the licensee; or

(b) The provider of the course or program:

- (1) Fails to furnish any material as advertised;
- (2) Engages in any misleading, deceptive or unethical business or professional practice;
- (3) Fails to furnish any material required by law; or
- (4) Fails to comply with any provision of chapter 641B of NRS or any regulation adopted pursuant to that chapter.

Sec. 21. NAC 641B.200 is hereby amended to read as follows:

641B.200 1. The status of a licensee must not be used to support any claim, promise or guarantee of successful service, nor may the license be used to imply that the licensee has competence in another profession.

2. A licensee shall not misrepresent, directly or by implication, his own professional qualifications, competency, affiliations and licenses, or those of the institutions and organizations with which he is associated. A licensee shall provide accurate information concerning his credentials, education, training and experience upon request from a client or potential client.

3. If a licensee holds more than one occupational license, he shall disclose to his client orally and in writing the type of practice of social work in which the licensee is engaged and which of the licenses apply to the practice of social work the licensee is providing to that client. If a licensee is engaged in a practice that is not the practice of social work, the licensee shall disclose to the client orally and in writing the type of practice in which the licensee is engaged and that the practice is not within the scope of the practice of social work. If the licensee fails to disclose to the client that the practice in which the licensee is engaged is a practice other than the practice of social work, the Board, in evaluating whether the licensee is in compliance with the standards of professional responsibility, will presume that the practice in which the licensee was engaged was intended to be the practice of social work.

4. A licensee shall not engage in the practice of social work while:

- (a) The licensee is impaired by alcohol, drugs or any other chemical; or
- (b) The licensee is impaired by a mental or physical condition that prevents him from practicing safely.

5. A licensee shall not use his relationship with a:

- (a) Client;
 - (b) Person with significant personal ties to a client, whether or not related by blood; or
 - (c) Legal representative of the client,
- ↪ to further his own personal, religious, political or business interests.

6. A licensee is responsible for setting and maintaining professional boundaries with:

- (a) Each client;
- (b) Each person with significant personal ties to a client, whether or not related by blood;
- (c) The legal representative of the client;
- (d) Each intern; and
- (e) Persons who are supervised by the licensee.

7. ~~[A]~~ *Except as otherwise provided by law, a* licensee shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally rendered. *If a licensee is supervising the work of an intern or employee, any billing or documentation of the work must clearly show that the licensee supervised the work and did not personally render services.*

8. A licensee shall not knowingly offer service to a client who is receiving treatment from another licensee without prior consultation between the client and the other licensee.

9. Except as otherwise provided in subsection 13, a licensee shall not disparage the qualifications of any colleague.

10. A licensee shall not attempt to diagnose, prescribe for, treat or advise on any problem outside his field of competence. Except as otherwise provided in this subsection, a licensee shall not assume duties and responsibilities within the practice of social work if he cannot perform the services competently. A licensee may assume duties and responsibilities within the practice of social work for which he cannot currently perform the services competently if he prepares a reasonable written plan demonstrating the manner in which he will acquire the competence necessary to perform the services competently. Such a plan must be completed under the supervision of *or with the consultation of a* ~~licensee who is competent to perform the services~~

~~competently or under the supervision of another]~~ professionally qualified person who ~~[is licensed to practice in this State and is competent to perform the services competently.]~~ *can demonstrate competency in the area of study.* A copy of a plan prepared pursuant to this subsection must be provided to the Board upon request by the Board.

11. A licensee shall base his practice upon recognized knowledge relevant to social work.

12. A licensee shall critically examine and keep current with emerging knowledge relevant to social work.

13. A licensee shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of social work.

14. Based upon recognized knowledge and standards of practice for social work, a licensee shall prepare and maintain in a timely manner a record regarding each of his clients which:

(a) Sets forth his assessment of the problems, issues or concerns of the client , *the course of treatment or plan of care for the client* and the scope of the licensee's services to that client ~~[and]~~ , *including, without limitation, any interventions, consultations or mandated reporting;* and

(b) Includes, without limitation, copies of:

(1) All documents relating to the informed consent of the client;

(2) All documents relating to the release of information regarding the client; ~~[and]~~

(3) *A record of each contact with the client which includes the date and time of the contact; and*

(4) All other *documents required by law or* legal documents regarding the client.

15. A licensee shall not:

(a) Inaccurately record, falsify or otherwise alter or destroy any client's records unless specifically authorized by law.

(b) Falsify billing records.

(c) *Bill for services not rendered or supported by documentation.*

(d) Refuse to release a client's records upon request by the client unless otherwise specifically authorized by law.

16. A licensee shall maintain each client's records for at least 10 years unless otherwise specifically authorized by law.

17. A licensee shall adequately complete and submit to the Board any reports required pursuant to chapter 641B of NRS, any regulations adopted pursuant to that chapter and any order, rule or instruction of a court of competent jurisdiction in a timely manner.

18. A licensee shall comply with all the provisions of the statutes and regulations governing the practice of social work that are set forth in this chapter and chapter 641B of NRS. A licensee shall comply with any state or federal law or regulation that is relevant to the practice of social work.

19. A licensee shall not authorize a person under the supervision of the licensee to perform services outside of the level of licensure, training or experience of the person who is supervised or allow that person to hold himself out as having expertise in a field in which he is not qualified.

20. A licensee shall not order or knowingly allow a person under the supervision of the licensee to engage in any illegal or unethical act related to social work.

21. A licensee shall notify the Board in writing within ~~10~~ 21 days after:

(a) An action is taken against a license, certification, registration or credential of the licensee issued by any state or territory of the United States;

(b) A criminal charge is filed against the licensee;

(c) The licensee is *charged with or* convicted of a criminal offense, other than a misdemeanor traffic offense;

(d) A civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of social work; ~~for~~

(e) A settlement or judgment in a civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of social work ~~for~~;

(f) The licensee has been placed in a diversionary program; or

(g) The licensee has entered into a program for the treatment of the abuse of a controlled substance or alcohol or a program for the treatment of any other impairment.

22. A licensee shall not supervise any person who engages in the practice of social work if that person has not satisfied the appropriate requirements for licensure pursuant to this chapter and chapter 641B of NRS.

23. A licensee shall not provide any services, including, without limitation, any diagnosis, therapeutic counseling, therapy or other clinical services, to an intern or other person over whom the licensee has administrative, educational or supervisory authority.

24. A licensee shall not knowingly obstruct an investigation conducted by the Board.

Sec. 22. NAC 641B.210 is hereby amended to read as follows:

641B.210 1. Records showing a client's problems and the scope of the licensee's services and information obtained from or about a client, including the licensee's personal knowledge of the client, must be maintained in a manner that ensures security and confidentiality. No confidential records or information contained therein or information obtained from or about a client, including the licensee's personal knowledge of the client, may be released except:

(a) By written consent of the client;

- (b) In accordance with a subpoena issued by the Board;
- (c) Pursuant to an investigation by the Board; or
- (d) As otherwise provided by law.

2. A licensee is responsible for informing his client of *the confidentiality policies of the licensee, applicable confidentiality and privacy laws and* the limits of confidentiality.

3. Except as otherwise provided by law, information deemed to be confidential pursuant to subsection 1 must not be communicated to others without the client's consent unless there is clear and immediate danger to some person or to society, and then only to the appropriate family members, professional workers, public authorities or, if there is a clear and immediate danger to a specific person or persons, to that person or persons.

Sec. 23. NAC 641B.350 is hereby amended to read as follows:

641B.350 1. If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board may hear testimony of witnesses who have appeared and proceed to consider the matter and dispose of it on the basis of the evidence before it.

2. Where, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing or request a continuance thereof, he may, within a reasonable time but not more than ~~15~~ 30 days after the date originally set for the hearing, apply to the Board to reopen the proceedings. Upon finding the cause sufficient and reasonable, the Board will set a new time and place for hearing and give the person notice thereof. Witnesses who have previously testified may not be required to appear at the second hearing unless so directed by the Board.

Sec. 24. NAC 641B.405 is hereby amended to read as follows:

641B.405 1. Within ~~15~~ 30 days after the Board has made a decision or issued an order, the aggrieved party may apply for a rehearing by filing a written petition setting forth the grounds for the rehearing. The only grounds for rehearing which will be considered by the Board are:

- (a) Material mistake or fraud affecting the decision; or
- (b) The discovery of previously unavailable material evidence.

2. The Board will act upon a petition for rehearing within 30 days after receiving it. If no action is taken by the Board within the 30-day period, the petition is deemed denied.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R142-08

The Board of Examiners for Social Workers adopted regulations assigned LCB File No. R142-08 which pertain to chapter 641B of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested may obtain a copy of the summary.

A Notice of Intent to Act Upon a Regulation (Notice) was sent by direct mail to all interested parties on the agency mailing list and each licensee. The notice was also posted on the Board's web page. There was limited response to the Notice. There were two letters regarding the proposed changes in continuing education credits. One letter was a joint letter submitted from clinical social workers in rural Nevada. The other letter was from a clinical social worker in Southern Nevada. These letters objected to the proposed increase in continuing education units. They cited costs for continuing education workshops and financial hardship since workshop attendance would require absenteeism from their employment. A copy of the written comments may be obtained by writing to the Nevada State Board of Examiners for Social Workers at 4600 Kietzke Lane, C121, Reno, NV 89502.

2. The number persons who:

- | | |
|--|---|
| (a) Attended each hearing; | 9 |
| (b) Testified at each hearing; | 4 |
| (c) Submitted to the agency written comments: | 3 |

This hearing was conducted in an open discussion format. All participants were encouraged to offer their comments and opinions during this hearing. This format appeared to support the public input and discussion that was noted during this hearing.

3. A description of how comment was solicited from affected business, a summary of their response, and an explanation how other interested person may obtain a copy of the summary.

Comments were solicited from affected businesses by direct mail to agency administrator of large agencies that employ social workers and by interested persons subscribing to the Agency's mailing list. There were no comments received from any affected businesses.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted at the Board of Examiners for Social Workers hearing on November 13, 2008, with three changes to the proposed regulations (LCB File Number R142-08). NAC 641B.115 2(g) and 3(g) language was amended from "Reciprocal" to

“Endorsement”. NAC 642B.187(1) was amended to add “independent social worker” in the proposed increased in continuing education credits and to change the continuing education hours to 36 hours every 2 years. NAC 641B.189(2) was amended to increase the amount of Board approved alternative continuing education presentations to 15 continuing education credits to Licensed Social Workers and Licensed Associate Social Workers.

5. The estimated economic effect of the proposed regulation on the business to be regulated:

- A. Adverse effect: Adverse effect could be financial costs for social workers who choose to meet their continuing education requirements by attending the more expensive workshops versus choosing more economical options such as inexpensive workshops and online courses approved by the Board of Examiners for Social Workers.
- B. Beneficial effect: Short and long effect will be to protect the public health and safety by ensuring that social workers meet the minimum standards for licensure and continued practice. The proposed increase in continuing education hours will parody minimum standards applied nationwide for social workers. The proposed increase offers alternatives in Board approved continuing education options for social workers.
Short term effect: See A and B
- C. Long term effect: See A and B

6. The estimated cost to the agency for enforcement of the adoption regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating agency.

The Board is aware of no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The Board is aware of no other state or government agency regulations that the proposed amendments duplicate.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expect to collect and the manner in which the money will be used.

There were no new fees or increases in existing fees.